

Appl. No. : 10/649,372
Filed : August 26, 2003

REMARKS

The Office Action mailed November 16, 2005, was based on pending Claims 2–56. By this Response, Applicant is amending Claims 2, 10, 17–20, 22–27, 37, 38, 40 and 48–55 and is cancelling Claims 3, 4, 13–16, 21, 28 and 41–47 without prejudice or disclaimer. Applicant is also adding new Claims 57–60, and Claims 5–9, 11, 12, 29–36, 39 and 56 remain as previously presented.

Thus, after entry of the foregoing amendments, Claims 2, 5–12, 17–20, 22–27, 29–40 and 48–60 are pending and presented for further consideration. In view of the foregoing amendments and the remarks set forth below, Applicant submits that Claims 2, 5–12, 17–20, 22–27, 29–40 and 48–60 are in condition for allowance.

SUMMARY OF OBJECTIONS AND REJECTIONS

The November 16, 2005 Office Action rejected Claims 54–56 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,936,527 to Isaacman et al. (“Isaacman”).

The Office Action also rejected Claims 2–53 under 35 U.S.C. § 103(a) as being unpatentable over Isaacman.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

The Office Action rejected Claims 54–56 under 35 U.S.C. § 102(a) as being anticipated by Isaacman. For the reasons set forth below, Applicant respectfully disagrees with these rejections.

Applicant respectfully submits that Isaacman is not a proper 35 U.S.C. § 102(a) reference. The priority date of the present continuation application is March 27, 1998, which is the filing date of the parent U.S. Application No. 09/049,687, now U.S. Patent No. 6,609,656 issued August 26, 2003. Isaacman was filed on February 10, 1998, and issued August 10, 1999, after the priority date of the priority date of the present continuation application. In view of the foregoing and to expedite prosecution of this application, Applicant will assume that the Office Action is using Issacman as a 35 U.S.C. § 102(e) reference. By this assumption, however, Applicant does not admit or acquiesce that Isaacman is a proper 35 U.S.C. § 102(e) reference, and Applicant

reserves the right to swear back of and/or otherwise overcome Isaacman in response to a further Office Action.

Independent Claim 54

With particular reference to amended independent Claim 54, an embodiment of Applicant's invention includes a method for identifying lost or stolen items. The method includes transmitting with a transceiver an interrogation signal directly to an RFID device associated with an item and receiving, with the transceiver, information transmitted in response by the RFID device. The method further includes storing data identifying lost or stolen items in a first secure database and updating a second secure database with at least a portion of this data, wherein the second secure database is in communication with the transceiver. The method also includes comparing the information received with the transceiver with the data stored in the second secure database to locate at least one of the lost or stolen items.

Isaacman does not disclose the method of Claim 54. Rather, Isaacman appears to disclose a radio frequency document control system and method. In particular, with reference to Figure 3, Isaacman includes a host transceiver 14 that sequentially transmits a requested tag address at a first frequency to exciters 18 positioned about an office space. The selected exciter 18 then transmits a signal at a second frequency to tags 20, and the host transceiver 14 receives any response from a correctly addressed tag. A PC 2 then processes the data received by the host transceiver 14 to determine the location(s) of one or more documents or folders. See, for example, col. 6, line 61 – col. 7, line 41.

Isaacman does not appear to disclose transmitting with a transceiver an interrogation signal to an RFID device associated with an item and, with the transceiver, receiving information transmitted by the RFID device in response to receiving the interrogation signal. Rather, the host transceiver 14 of Isaacman transmits a signal directly to a single exciter 18, which, in turn, communicates with nearby tags 20. The transceiver 14 then receives signals transmitted by one or more tags 20. Neither the transceiver 14 nor the exciter 18 of Isaacman transmits an interrogation signal directly to an RFID device and receives from the RFID device a signal in response to the interrogation signal.

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Furthermore, Isaacman does not appear to disclose storing data identifying lost or stolen items in a first secure database and updating a second secure database, in communication with a transceiver, with at least a portion of the data stored in the first secure database. This data stored in the second secure database is then compared with the information received by the transceiver. Isaacman, on the other hand, appears to disclose the single PC 2 that processes data received from the tags 20 through the transceiver 14.

Because Isaacman does not disclose each element of amended independent Claim 54, Applicant asserts that amended Claim 54 is not anticipated by Isaacman and respectfully requests allowance of amended Claim 54.

Dependent Claims 55 and 56

Claims 55 and 56 depend from independent Claim 54 and are believed to be patentably distinguished over Isaacman for the reasons set forth above and for the additional features recited therein.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejected Claims 2–53 under 35 U.S.C. § 103(a) as being unpatentable over Isaacman. For the reasons set forth below, Applicant respectfully disagrees with these rejections.

Independent Claims 2, 17, 27, 37 and 48

Amended independent Claims 2, 17, 27, 37 and 48 are believed to be patentable for reasons similar to those set forth with respect to the patentability of independent Claim 54 and for the different aspects recited therein. That is, because Isaacman does not teach or suggest the elements of each of Claims 2, 17, 27, 37 and 48, Applicant asserts that each of Claims 2, 17, 27, 37 and 48 is patentably distinguished over Isaacman and respectfully requests allowance of Claims 2, 17, 27, 37 and 48.

Dependent Claims 5–12, 18–20, 22–26, 29–36, 38–40 and 49–53

Claims 5–12 depend from independent Claim 2 and are believed to be patentably distinguished over Isaacman for the reasons set forth above and for the additional features recited therein.

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Claims 18–20 and 22–26 depend from independent Claim 17 and are believed to be patentably distinguished over Isaacman for the reasons set forth above and for the additional features recited therein.

Claims 29–36 depend from independent Claim 27 and are believed to be patentably distinguished over Isaacman for the reasons set forth above and for the additional features recited therein.

Claims 38–40 depend from independent Claim 37 and are believed to be patentably distinguished over Isaacman for the reasons set forth above and for the additional features recited therein.

Claims 49–53 depend from independent Claim 48 and are believed to be patentably distinguished over Isaacman for the reasons set forth above and for the additional features recited therein.

NEW DEPENDENT CLAIMS 57–60

As of this Response, Applicant has added new dependent Claims 57–60. Claim 57 depends from independent Claim 54 and is believed to be patentable for the additional features recited therein. Claim 58 depends from independent Claim 17 and is believed to be patentable for the additional features recited therein. Claims 59 and 60 depend from independent Claim 48 and are believed to be patentable for the additional features recited therein.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at (949) 721-2998 or at the general office number listed below.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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